

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04 CR 10314 RCL
)	
(1) MANUEL E. PINALES,)	
(2) JOSE ANTONIO CRUZ,)	
a/k/a "Eduardo LNU")	
(3) LUIS R. CLAS,)	
a/k/a "Cuba")	
(4) RICHARD PENA, and)	
(5) TAJH M. WHITE)	
_____)	

GOVERNMENT'S MOTION TO EXCLUDE TIME

The United States, with the assent of the above-named defendants,¹ respectfully moves to exclude, in computing the time within which the trial of this matter shall commence under 18 U.S.C. §3161(c)(1), the following time periods:

a) from November 1, 2004, the date of the first arraignment of the defendants, through and including December 14, 2004, the date of the initial status conference. The 28-day period for automatic discovery should be excluded pursuant to Local Rule 112.2 and the period from November 29, 2004 through December 14, 2004, which time was necessary for the defendants to review the

¹ At the initial status conference, the government orally made this motion and Attorney Rappaport who represents defendant Pinales and who was also appearing on behalf of Attorney Weinstein, who represents defendant Clas, and Attorney Wilson, who represents defendant Pena, assented to this exclusion of time. Attorney White, who represents defendant White, assented to this motion by telephone.

discovery provided, should be excluded in the interests of justice.

b) from December 15, 2004, through and including March 9, 2005, the date of the scheduled interim status conference. The defendants requested this time to review the voluminous discovery provided in this case. Accordingly, this continuance was in the interests of justice.

For the foregoing reasons, exclusion of these time periods serves the interests of justice and is appropriate under 18 U.S.C. §3161(h)(8)(A).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Maureen B. Hogan
Maureen B. Hogan
Assistant U.S. Attorney

Dated: March 4, 2005